



IT IS ORDERED as set forth below:

Date: February 17, 2023

**Paul W. Bonapfel
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

SHATOYA SHANAY BROWN,

Debtor.

CASE NO. 22-59972-PWB

CHAPTER 7

ORDER DENYING MOTION FOR RECONSIDERATION

The Debtor seeks reconsideration of the January 20, 2023 Order granting American Residential Leasing Company, LLC's motion for relief from the automatic stay with respect to residential real property located at 4711 Plantation Mill Trail, Buford, GA 30519. Because the Debtor has cited no factual or legal grounds for reconsideration, the motion is denied.

A motion for reconsideration shall not be filed as a matter of routine practice and should only be filed if a party believes it is “absolutely necessary.” BLR 9023-1, NDGa. A motion for reconsideration is narrow in scope. Reconsideration of an order is appropriate in the limited circumstances where there exists: (1) newly discovered evidence; (2) an intervening development or change in controlling law; or (3) a need to correct a clear error of law or fact. *Bryan v. Murphy*, 246 F.Supp.2d 1256, 1258-59 (N.D. Ga. 2003).

American Residential Leasing’s motion was originally scheduled for hearing on January 4, 2023. Based upon the Debtor’s request for a continuance due to a medical issue, American Residential Leasing agreed to reschedule the hearing on its motion to January 18, 2023. The Debtor did not appear at this hearing to oppose the motion and, based on the lack of opposition, the motion was granted.

Unbeknownst to the Court, on January 17, 2023 at 3:40 p.m., the Clerk received for filing by electronic mail a request for continuance of the hearing from the Debtor’s mother. The request was not docketed until January 18, 2023, at 3:42 p.m., after the hearing.

But, as the Court explained in its Order denying the continuance entered January 25, 2023, even if it had been aware of the request for continuance at the time of the hearing it would not have granted it because a non-attorney cannot represent another party in federal court. The Court denied the Debtor’s motion without prejudice to her right to seek reconsideration of the entry of the Order if facts and the law would support such a motion.

The Debtor's motion for reconsideration of the Court's January 20, 2023 Order cites no new evidence, no change in controlling law, and no error of fact or law to warrant reconsideration of the Order. While the Debtor states that she was under the influence of medication following surgery that rendered her unable to understand the matter at hand, she does not set forth a factual or legal defense to the motion for relief from the automatic stay that would compel the Court to reconsider its ruling.

The Court's January 20, 2023 Order modified the automatic stay (1) to permit American Residential Leasing to pursue its state law remedies to recover possession of the property; and (2) to seek a monetary judgment for postpetition rent but prohibited collection during the pendency of the bankruptcy case. Although not stated in the Order, the prepetition debt owed to American Residential Leasing will be discharged.

This is routine relief granted in a chapter 7 case. This is because chapter 7 is not designed for the resolution of landlord-tenant disputes. The chapter 7 trustee did not oppose the motion for relief from the automatic stay. The trustee has since filed a report of no distribution. To that end, the estate has no interest in the relationship between the Debtor and American Residential Leasing Company. More importantly, the Order permits the parties to exercise their rights under Georgia law in an appropriate nonbankruptcy forum that has the jurisdiction and authority to resolve factual and legal disputes between the parties.

Accordingly, it is

ORDERED that the motion for reconsideration of the Court's January 20, 2023 Order is denied. The Debtor is free to exercise any and all legal rights in a nonbankruptcy forum.

END OF ORDER

Distribution List

Shatoya Shanay Brown
4711 Plantation Mill Trl
Buford, GA 30519

Joseph P Farrell
O'Kelley & Sorohan, Attorneys at Law LLC
Suite 375
2170 Satellite Blvd.
Duluth, GA 30097